

Message

From: Shepherdson, Melanie [Shepherdson.Melanie@epa.gov]
Sent: 4/6/2020 7:24:28 PM
To: Koenig, Jack@ARB [jack.koenig@arb.ca.gov]
CC: Leong, Denise [Leong.Denise@epa.gov]; Livingston, Aron@ARB [aron.livingston@arb.ca.gov]; Riedel, Brian [riedel.brian@epa.gov]
Subject: RE: **Ex. 7(A)** Confidentiality Agreement -- status?

Thanks for your email, Jack.

Brian Riedel is the case attorney assigned to **Ex. 7(A)** (copied). I asked him to revise the agreement to be in line with what we worked out with CalEPA and DTSC for Schnitzer and to give you a call to discuss.

Thanks for working with us to move this matter forward.

Melanie

From: Koenig, Jack@ARB <jack.koenig@arb.ca.gov>
Sent: Monday, April 6, 2020 10:02 AM
To: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Livingston, Aron@ARB <aron.livingston@arb.ca.gov>
Subject: RE: **Ex. 7(A)** Confidentiality Agreement -- status?

Hi Melanie --

Now that the terms of the Schnitzer agreement have been finalized, I wanted to check in on the status of the **Ex. 7(A)** agreement. Are you and US DOJ amenable to using the same substantive language, and if so will you be circulating the agreement?

I also wanted to flag that we may request to add the California Department of Toxic Substances Control (DTSC) to the **Ex. 7(A)** agreement. I'm working on confirming with their counsel whether they are prepared to sign on and hope to hear back soon.

Thanks,
Jack



Jonathan (Jack) Koenig
Senior Attorney
California Air Resources Board
1001 I St. Sacramento, CA 95814
916.324.0703

From: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Sent: Tuesday, February 25, 2020 4:15 PM
To: Koenig, Jack@ARB <jack.koenig@arb.ca.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Livingston, Aron@ARB <aron.livingston@arb.ca.gov>
Subject: RE: **Ex. 7(A)** Confidentiality Agreement -- status?

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We have not closed the loop with DOJ, but reached out today to try to resolve.

From: Koenig, Jack@ARB <jack.koenig@arb.ca.gov>
Sent: Tuesday, February 25, 2020 3:21 PM
To: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Cc: Leong, Denise <Leong.Denise@epa.gov>; Livingston, Aron@ARB <aron.livingston@arb.ca.gov>
Subject: RE: **Ex. 7(A)** Confidentiality Agreement -- status?

Hi Melanie – Are you close to having resolution with DOJ on the proposed changes to the Schnitzer and **Ex. 7(A)** agreements? Our enforcement staff are eager to share information, so we're hoping to get these agreements signed soon.

Thanks,
Jack



Jonathan (Jack) Koenig
Senior Attorney
California Air Resources Board
1001 I St. Sacramento, CA 95814
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From: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>
Sent: Friday, February 14, 2020 2:01 PM
To: Livingston, Aron@ARB <aron.livingston@arb.ca.gov>
Cc: Koenig, Jack@ARB <jack.koenig@arb.ca.gov>; Leong, Denise <Leong.Denise@epa.gov>
Subject: RE: **Ex. 7(A)** Confidentiality Agreement -- status?

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Aron,

Thanks for clarifying. We will work through the requested changes to the Schnitzer agreement with U.S. DOJ.

Melanie Shepherdson
Supervising Attorney
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3923

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From: Livingston, Aron@ARB <aron.livingston@arb.ca.gov>
Sent: Friday, February 14, 2020 1:32 PM
To: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>

Cc: Koenig, Jack@ARB <jack.koenig@arb.ca.gov>

Subject: RE: [Ex. 7(A)] Confidentiality Agreement -- status?

Melanie: We had everything signed on our end but then one of our signatories determined that the CA entities were too broadly stated and asked for changes. I understood that the Schnitzer agreement presented the same issue, and that when that one was remedied, we would make the same changes to this one: [Ex. 7(A)] and circulate for new signatures.

Aron

From: Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>

Sent: Friday, February 14, 2020 1:25 PM

To: Livingston, Aron@ARB <aron.livingston@arb.ca.gov>

Subject: RE: [Ex. 7(A)] Confidentiality Agreement -- status?

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Aron,

We met with Suma Peesapati yesterday and she was asking about the status of the confidentiality agreements, so I am checking in with you on status of getting the [Ex. 7(A)] agreement signed.

Have a nice weekend.

Melanie

From: Shepherdson, Melanie

Sent: Tuesday, February 4, 2020 9:31 AM

To: Livingston, Aron@ARB <aron.livingston@arb.ca.gov>

Subject: [Ex. 7(A)] Confidentiality Agreement -- o.k. with changes

Aron,

Apologies for not being able to turn this around right away. Thank you for your patience. U.S. DOJ accepted the changes that you made to the [Ex. 7(A)] agreement. I have attached a signed copy as a pdf, as well as the word version.

I asked Denise Leong in my office to make the same changes to the Schnitzer agreement, so she should be sending that over separately.

Please send me a fully executed version of the agreement for my files. Thank you.

Melanie Shepherdson
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